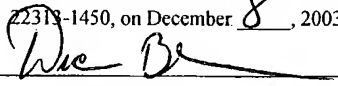




PATENT  
Docket No. 312762002710

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 8, 2003.

  
Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Meng YANG and Eugene BARANOV

Serial No.: 10/714,068

Filing Date: November 14, 2003

For: WHOLE-BODY OPTICAL IMAGING  
OF GENE EXPRESSION AND USES  
THEREOF

Examiner: To be Assigned

Group Art Unit: Not Yet Assigned

RECEIVED  
DEC 15 2003  
OFFICE OF PETITIONS

**CORRECTION OF SMALL ENTITY STATUS PURSUANT TO 37 CFR § 1.28**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR § 1.28(c), Applicants hereby request correction of an erroneous request for Small Entity status in the instant application. The previous establishment of Small Entity status was made in good faith but was later found to be in error.

Therefore, and pursuant to 37 CFR § 1.28(c)(2)(i), the deficiency owed is \$385.00, itemized per 37 CFR § 1.28(c)(2)(ii) as follows:

10/714,068 CORRECTION 00000047 00000000 10/714,068  
10/714,068 770.00 02

Type of Fee Erroneously Paid	Small Entity Fee Actually Paid and When	The Large Entity Amount Owed	The Deficiency Payment Owed
1. Basic Filing Fee	\$385.00 (debited from our deposit acct. in Nov. 2003)	\$770.00	\$385.00
<b>TOTAL AMOUNT OWED:</b>			<b>\$385.00</b>

In the event that 37 CFR § 1.28(c)(3) is determined to be invoked, Applicant petitions for any required relief and authorizes the Assistant Commissioner to charge the cost of any additional deficiencies and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. **312762002710**.

Respectfully submitted,

Dated: December 8, 2003

By: Kate H. Murashige  
 Kate H. Murashige  
 Registration No. 29,959

Morrison & Foerster LLP  
 3811 Valley Centre Drive  
 Suite 500  
 San Diego, California 92130-2332  
 Telephone: (858) 720-5112  
 Facsimile: (858) 720-5125

# Transaction List

Search by

☐ Accounting Date:  Operator ID:   
(MMDDYY)



☒ Name/Number:   
☐ Attorney Docket No.:   
☐ Deposit Account No.:

Accounting Date  
Starts:  Ends:

Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number	Dep Acct
11/19/2003	LWONDIM1	108	SALE	2001	A	385.00	10714068	031952



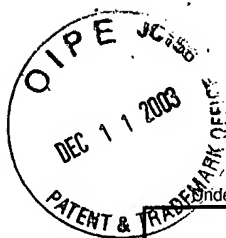
Adjustment Detail

Authorization Detail



1.28C

Accounting date: 12/12/2003 CCH901  
 11/19/2003 LWONDIM1 00000054 031952 10714068  
 01/20/2004 385.00 CR



\$

PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/714,068	
	Filing Date	November 14, 2003	
	First Named Inventor	Meng YANG	
	Art Unit	N/A	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	5	Attorney Docket Number	312762002710

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form (1 page, plus duplicate) <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Correction of Small Entity Status Pursuant to 37 CFR 1.28 (2 pages) Return Receipt Postcard
<div>Remarks</div> <div>CUSTOMER NO. 25225</div> <div>RECEIVED</div> <div>DEC 15 2003</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		OFFICE OF PETITIONS
Firm or Individual name	MORRISON & FOERSTER LLP Kate H. Murashige - 29,959	
Signature		
Date	December 8, 2003	

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.		
Dated: December 8, 2003	Signature:	(Diane Blevins)



PTO/SB/17 (10-03)  
Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 385.00

## Complete if Known

Application Number	10/714,068
Filing Date	November 14, 2003
First Named Inventor	Meng YANG
Examiner Name	Not Yet Assigned
Art Unit	N/A
Attorney Docket No.	312762002710

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit  
Account  
Number

03-1952

Deposit  
Account  
Name

Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee  
to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Total Claims	Extra Claims	Fee from below	Fee Paid
Total Claims		-20** =		
Independent Claims		-3** =		
Multiple Dependent				

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)	1001	Deficiency Payment owed for filing fee	385.00		

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 385.00

## SUBMITTED BY

Name (Print/Type) Kate H. Murashige

Registration No.  
(Attorney/Agent)

29,959

(Complete (if applicable))

Telephone (858) 720-5112

Signature

*Kate H. Murashige*

Date

December 8, 2003